

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/101,672	10/23/1998	ROBERT BARTLETT	02481.1603	9927
7:	590 02/26/2002			
FINNEGAN I	HENDERSON FARA	EXAMINER		
GARRETT & I		WHITE, EVERETT NMN		
FRANKLIN SQUARE BLDG SUITE 700				
1300 I STREE	T N W N, DC 200053315		ART UNIT	PAPER NUMBER
WASHINGTO	in, DC 200033313		1623	011
			DATE MAILED: 02/26/2002	α

Please find below and/or attached an Office communication concerning this application or proceeding.

•	Application No.	Applicant(s)			
Advisory Action	09/101,672	BARTLETT ET AL.			
Advisory Action	Examiner	Art Unit			
	EVERETT WHITE	1623			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address					
THE REPLY FILED 12 February 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.					
PERIOD FOR RE	PLY [check either a) or b)]	•			
a) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension-fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
1. A Notice of Appeal was filed on <u>12 September 2001</u> . Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.					
2. The proposed amendment(s) will not be entered because:					
(a) they raise new issues that would require further		see NOTE below);			
(b) they raise the issue of new matter (see Note below);					
(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or					
(d) they present additional claims without canceling a corresponding number of finally rejected claims.					
NOTE:					
3. Applicant's reply has overcome the following reject	tion(s):				
4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).					
5.⊠ The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.					
The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.					
	── For purposes of Appeal, the proposed amendment(s) a) ── will not be entered or b) ── will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.				
The status of the claim(s) is (or will be) as follows:					
Claim(s) allowed:					
Claim(s) objected to:					
Claim(s) rejected: <u>12-17,20-26 and 29</u> .					
Claim(s) withdrawn from consideration:		^			
8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.					
D.☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)					
10. Other:		James O. Wilson Princary Examiner Group 1600			

Continuation of 5. does NOT place the application in condition for allowance because: of the reasons already of record in the rejection of the claims under 35 U.S.C. 103 in the previously filed Office actions. The rejection of Claims 12-17, 20-26 and 29 under 35 U.S.C. 103 as being unpatentable over the Bartlett et al patent is maintained.

^